

From: [Horwitz, Sylvia](#)
To: [Neugeboren, Steven](#); [Schroer, Lee](#); [Srinivasan, Gautam](#)
Subject: RE: Changes to West Virginia's NPDES Program
Date: Thursday, March 19, 2015 9:46:00 AM

Steve – did you see the email I sent a couple of days ago, with Stef Shamet's response to my email to her? I'd like to touch base with you before I set up a call to get your take on how to proceed, given the various ongoing lawsuits.

Sylvia Horwitz
Office of General Counsel
Water Law Office
WJC North 7353H
Phone: 202-564-5511

From: Neugeboren, Steven
Sent: Wednesday, March 18, 2015 8:41 PM
To: Horwitz, Sylvia; Schroer, Lee; Srinivasan, Gautam
Subject: Fwd: Changes to West Virginia's NPDES Program

Folks. See Avis note below. What have we learned and have they requested mtgs with others in the agency?

Sent from my iPhone

Begin forwarded message:

From: "Garbow, Avi" <Garbow.Avi@epa.gov>
Date: March 18, 2015 at 6:20:30 PM EDT
To: "Neugeboren, Steven" <Neugeboren.Steven@epa.gov>, "Schroer, Lee" <schroer.lee@epa.gov>, "Srinivasan, Gautam" <Srinivasan.Gautam@epa.gov>
Cc: "Mitchell, Stacey" <Mitchell.Stacey@epa.gov>
Subject: **FW: Changes to West Virginia's NPDES Program**

Steve,

Several days ago I asked Carla to forward to you the letter that is also attached here. Not sure if you have received it, but it nevertheless pertains to W.Va. and conductivity issues in their NPDES program. I have not yet responded to the senders, who in their letter, and in the follow-up email below, request a meeting. Unless you all advise otherwise, would you respond to Mr. Hecker by indicating that we discussed the letter and his request, and see if you can set something up for you to meet with him. Would include Stacey. I can join if you think that would be warranted, and if so, we can kick this to Carla to help schedule. Thoughts?

Avi

Avi Garbow
General Counsel
U.S. Environmental Protection Agency
(202) 564-8040

From: Jim Hecker [<mailto:JHecker@publicjustice.net>]
Sent: Wednesday, March 18, 2015 10:22 AM
To: Garbow, Avi
Subject: Changes to West Virginia's NPDES Program

Dear Mr. Garbow:

I hope you have had a chance to review the attached letter we sent to you last month about the changes to West Virginia's NPDES program in SB 166 and SB 357.

The relevant provisions of SB 166 were enacted as HB 2283 (pp. 4-5), which was passed by the Legislature on March 12 and became effective on that date. SB 357 was signed by the Governor on March 12 and will become effective on June 1, 2015. The final version of that bill provides that water quality standards "shall not be considered 'effluent standards or limitations' for the purposes of both this article and sections 309 and 505 of the federal Water Pollution Control Act and shall not be independently or directly enforced or implemented except through the development of terms and conditions of a permit issued pursuant to this article." SB 357, p. 20. It also provides that "water quality standards themselves shall not be incorporated wholesale either expressly or by reference as effluent standards or limitations in a permit issued pursuant to this article." *Id.* at 22.

Would it be possible to meet with you to discuss these changes?

Jim Hecker
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